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NOTICE OF ALLOWANCE AND FEE(S) DUE

89441

7590

11/19/2009

Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

KANAAN, SIMON P

ART UNIT

PAPER NUMBER

2432

DATE MAILED: 11/19/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,070	04/02/2004	Michael K. Brown	555255-012714	2683

TITLE OF INVENTION: SYSTEM AND METHOD OF ACCESSING KEYS FOR SECURE MESSAGING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/19/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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 901 Lakeside Avenue
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/19/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KANAAN, SIMON P	2432	713-158000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 576 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 576 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/817,070

Examiner

SIMON KANAAN

Applicant(s)

BROWN ET AL.

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/9/2009.
2. ☒ The allowed claim(s) is/are 1,3-22,25 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/SIMON KANAAN/
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Johnson on 11/9/2009.

The application has been amended as follows:

1. (Currently Amended) A method for handling on a wireless mobile communication device a secure message to be sent from the wireless mobile communication device to a recipient, comprising the steps of:

receiving data at the wireless mobile communication device about a security key associated with the recipient;

using the received data to perform a validity check with respect to using the security key associated with the recipient to send a secure message to the recipient;

wherein an issue exists due to the validity check;

determining a reason for the validity check issue;

wherein the reason for the validity check issue is provided via a user interface on the mobile device;

wherein a message is provided via the user interface indicating that a problem exists with respect to sending the secure message to the recipient in addition to indicating the reason related to the problem.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, further comprising the step of resolving the validity check issue associated with using the security key through use of the information provided in the validity check reason, wherein the secure message is sent after resolution of the validity check issue by the user.

4. (Previously Presented) The method of claim 1, wherein the security key is a public key, wherein a user composes the secure message, wherein the composed message is to be encrypted using the recipient's public key.

5. (Previously Presented) The method of claim 4, further comprising the steps of:
creating a list of all recipients for the composed message;
receiving data about the recipients' public keys that includes certificate information associated with the recipients; and
performing the validity check with respect to the certificate information associated with the recipients.

6. (Previously Presented) The method of claim 1, further comprising the steps of:
 - determining whether a certificate for an intended recipient can be located;
 - providing as a validity check reason that the intended recipient's certificate was not located.
7. (Previously Presented) The method of claim 6 further comprising the step of removing a recipient whose certificate was not located before sending a secure message to another recipient.
8. (Previously Presented) The method of claim 6 further comprising the step of canceling sending the message to a recipient whose certificate was not located.
9. (Previously Presented) The method of claim 6, further comprising the step of:
 - determining whether the certificate for the intended recipient is locally available on the mobile device.
10. (Previously Presented) The method of claim 6, further comprising the step of:
 - determining whether the certificate for the intended recipient is remotely available.

11. (Previously Presented) The method of claim 5, further comprising the step of collating certificates that correspond to the recipients before performing the validity check.

12. (Previously Presented) The method of claim 6, wherein the message is to be encrypted using a Secure Multipurpose Internet Mail Extensions (S/MIME) scheme or a Pretty Good Privacy (PGP) scheme.

13. (Previously Presented) The method of claim 1, wherein the received data about the security key associated with the recipient includes whether a recipient's certificate is permitted to be used;

wherein the validity check issue indicates that the recipient's certificate is not permitted to be used.

14. (Previously Presented) The method of claim 13, wherein the data about whether the recipient's certificate is permitted to be used is based on a usage field contained in the certificate.

15. (Previously Presented) The method of claim 13, wherein the data about whether the recipient's certificate is permitted to be used is based on a control file installed on the mobile device that specifies which certificates are allowed to be used.

16. (Previously Presented) The method of claim 1, wherein the issue involves a validity check failure, said method further comprising the step of providing the reason of the validity check failure to the user interface on the mobile device.

17. (Previously Presented) The method of claim 1, wherein the received data about the security key associated with the recipient includes strength of the recipient's certificate;
and

wherein the validity check issue is directed to whether the recipient's certificate is permitted to be used based upon the strength of the recipient's certificate.

18. (Previously Presented) The method of claim 1, wherein the received data about the security key associated with the recipient includes whether the recipient's certificate is trusted, and wherein a decision to include a recipient for a secure message is based upon whether the recipient's certificate is trusted.

19. (Previously Presented) The method of claim 1, wherein the received data about the security key associated with the recipient includes validity and revocation status of a recipient's certificate, and wherein a decision to include the recipient for the secure message is based upon the validity and revocation status of the recipient's certificate.

20. (Previously Presented) The method of claim 1, wherein the message is sent to the recipient despite notification of the validity check issue.

21. (Original) The method of claim 1, wherein means for providing a wireless network and means for providing a message server are used to transmit the secure message from the mobile device.

22. (Original) The method of claim 1, wherein the mobile device is a handheld wireless mobile communications device or a personal digital assistant (PDA).

23. (Canceled)

24. (Canceled)

25. (Currently Amended) An apparatus for handling on an electronic device a secure message to be sent from the electronic device to a recipient, comprising:

a secure message processing module for use with a messaging client that sends electronic messages to recipients;

wherein the secure message processing module receives data about a security key associated with the recipient;

wherein the secure message processing module uses the received data to perform a validity check with respect to using the security key associated with the recipient to send a secure message to the recipient;

wherein an issue exists based upon the validity check;

wherein the secure message processing module is configured to determine a reason for the validity check issue; and

wherein the secure message processing module provides the reason for the validity check issue via a user interface of the electronic device;

wherein a message is provided via the user interface indicating that a problem exists with respect to sending the secure message to the recipient in addition to indicating the reason related to the problem.

26. (Cancelled)

27. (Currently Amended) A computer-readable storage medium encoded with instructions that cause a processor to perform a method for handling on a wireless mobile communication device a secure message that is to be sent from the wireless mobile communication device to a recipient, said method comprising:

receiving data at the wireless mobile communication device about a security key associated with the recipient;

using the received data to perform a validity check with respect to using the security key associated with the message recipient to send a secure message to the recipient;

wherein an issue exists due to the validity check;

determining a reason for the validity check issue;

wherein the reason for the validity check issue is provided via a user interface on the mobile device;

wherein a message is provided via the user interface indicating that a problem exists with respect to sending the secure message to the recipient in addition to indicating the reason related to the problem.

REASONS FOR ALLOWANCE

2. Claims 1, 3-22, 25, and 27 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims is the inclusion of the limitation, inter alia, "wherein the secure message processing module uses the received data to perform a validity check with respect to using the security key associated with the recipient to send a secure message to the recipient; wherein an issue exists based upon the validity check; wherein the secure message processing module is configured to determine a reason for the validity check issue; and wherein the secure message processing module provides the reason for the validity check issue via a user interface of the electronic device; and wherein the secure message processing module resolves the validity check issue associated with using the security key through use of the information provided in the validity check reason, wherein the secure message is sent after resolution of the validity check issue by the user." that is in all claims which is not found in the prior art references previously relied upon, Lord, Hope, Janacek, Lenick, Grimmer and newly cited Patel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KANAAN whose telephone number is (571)270-3906. The examiner can normally be reached on Mon-Thurs 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 5712723799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/SIMON KANAAN/
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432